

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IOENGINE, LLC

**PLAINTIFF/COUNTERCLAIM
DEFENDANT**

v.

ROKU, INC.

**DEFENDANT/COUNTERCLAIM
PLAINTIFF**

Case No. 6:21-cv-01296-ADA-DTG

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND SCHEDULING ORDER DEADLINES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Plaintiff/Counterclaim-Defendant IOENGINE, LLC (“IOENGINE”) and Defendant/Counterclaim-Plaintiff ROKU, INC. (“Roku”) and through their undersigned counsel, make this motion that the Court amend the current schedule, resetting certain pretrial deadlines to make them more consistent with the Court’s default deadlines in light of the currently scheduled actual trial date, and for good cause would show:

1. The current trial date for this case is October 16, 2023. The parties are not attempting to move or alter that setting. Rather, the parties are seeking to revise certain deadlines to conform to the current trial setting. *See* Standing Order Governing Proceedings 4.3—Patent Cases pg. 16 n. 17 (“If the actual trial date materially differs from the Court’s default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court’s defaults deadlines in light of the actual trial date.”). Under the current schedule, the pretrial conference is set approximately 6 weeks in advance of trial, which is about twice as

much time contemplated under the Court's OGP. Therefore, the parties bring this motion to bring the schedule into alignment with that contemplated in the OGP.

2. For the avoidance of doubt, IOENGINE joins in this motion to the extent that 1) granting of this motion would not delay the currently scheduled October 16, 2023, trial date for this action and 2) the granting of this instant motion is without prejudice to IOENGINE's forthcoming opposition to Roku's Motion for Leave to Serve The Reply Expert Reports of Ms. Lauren Kindler and Dr. Samuel Russ, Dkt. 175.

3. The table below shows that the requested amended deadlines will make the scheduling order more consistent with the Court's default deadlines in light of the currently scheduled October, 16, 2023, trial:

Event	Current Deadline	Parties' Proposed Amended Date
Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits	June 29, 2023	July 5, 2023
Joint Report re: Results of the meet and confer	July 6, 2023	July 11, 2023
Dispositive & <i>Daubert</i> Motion Deadline	July 6, 2023	July 11, 2023
Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designation)	July 13, 2023	August 4, 2023
Responses to Dispositive & <i>Daubert</i> Motions	July 20, 2023	August 1, 2023
Replies to Dispositive & <i>Daubert</i> Motions	July 27, 2023	August 11, 2023
Serve objections to pretrial disclosures/rebuttal disclosures	July 27, 2023	August 16, 2023
Parties to jointly email the law clerks to confirm their pretrial conference and trial dates	August 1, 2023	August 16, 2023
Serve objections to rebuttal disclosures; file Motions <i>in limine</i>	August 3, 2023	August 23, 2023

Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibit lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> Oppositions to MILs	August 10, 2023	August 30, 2023
File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to file replies on motions <i>in limine</i>	August 17, 2023	September 11, 2023
Deadline to meet and confer regarding remaining objections and disputes on motion <i>in limine</i>	August 17, 2023	September 11, 2023
File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i>	TBD	3 business days before Final Pretrial Conference
Final Pretrial Conference	August 31, 2023	September 20 or 21, 2023, or as otherwise set by the Court
Jury Selection/Trial	October 16, 2023	October 16, 2023

4. The parties request that the Court amend the current schedule in accordance with the table above in order to conform the remaining deadlines to be more consistent with the deadlines that would normally be set in light of the currently scheduled actual trial date of October 16, 2023.

5. The parties do not seek amendment of any deadlines not listed in the table above, and do not anticipate requesting any further extensions of time.

PRAYER

6. All Parties pray that this Court grant their Joint Motion to Amend Scheduling Order Deadlines and for all other relief to which they may be entitled.

Respectfully submitted,

By: /s/ Gregory T. Chuebon

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**COUNSEL FOR PLAINTIFF AND COUNTERCLAIM
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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Western District of Texas, Waco Division, via the CM/ECF system, which will send a notice of filing to all counsel of record who have consented to service by electronic means.

/s/ David N. Deaconson
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